

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**BILLY JACK THOMAS,**  
Petitioner,

vs.

**TONY PATTERSON,**  
Respondent.

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**CIVIL ACTION 12-0365-KD-M**

**ORDER**

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated October 18, 2012 is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that this habeas petition is **DENIED** and that this action is **DISMISSED**. It is further **ORDERED** that, should Petitioner file a certificate of appealability, it is **DENIED** as he is not entitled to appeal *in forma pauperis*.

**DONE and ORDERED** this the 13<sup>th</sup> day of **November 2012**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**